

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
TONY HARRISON,  
PLAINTIFF,

-AGAINST-

DETECTIVE SANCHEZ,  
DETECTIVE SGT. KENNEDY,  
DETECTIVE MULHALL,  
CORRECTIONAL OFFICER, HODGE,  
CORRECTIONAL OFFICER, STEWARD,  
EL. AL.,  
DEFENDANT.

DOCKET NO.# 96-CV-1465(PKC)

-----X  
1. PARTIES IN THIS COMPLAINT:

PLAINTIFF: TONY HARRISON  
97-A-1299  
GREEN HAVEN CORRECTIONAL FACILITY  
P.O. BOX 4000  
STORMVILLE, N.Y. 12582-4000

DEFENDANT NO. #1. DETECTIVE SANCHEZ  
71st PRECINCT

DEFENDANT NO#2. DETECTIVE SGT. KENNEDY  
71st PRECINCT

DEFENDANT NO.#3. DETECTIVE MULHALL  
71st PRECINCT

DEFENDANT NO.#4. CORRECTIVE OFFICER HODGE  
RIKERS ISLAND C-95

DEFENDANT NO.#5 CORRECTIVE OFFICER STEWARD  
RIKERS ISLAND C-95

NOTE: ALL DEFENDANTS WERE SERVED BACK IN 1996, BY THE EASTERN DISTRICT  
FEDERAL MARSHALLS UNDER POOR PERSON STATUS...

FILED  
U.S. DISTRICT COURT, E.D.N.Y.  
★ JUN 27 1996 ★  
BROOKLYN OFFICE  
SECOND AMENDED COMPLAINT

CONT. SECOND AMENDED COMPLAINT

II. STATEMENT OF CLAM:

Plaintiff, Tony Harrison became an unfortunate participant in EXTRAORDINARY CIRCUMSTANCES, that led to his exile from society for the pass 28½ years. The disappointing events occurred on the 16th of September, 1995, at 5:10 a.m.; while Plaintiff was on his way to Prospect Park, (located a few blocks away from Plaintiff apartment), in commitment of his daily workout.

Plaintiff was ambushed by Defendants Detective Sanchez, Detective Mullhall, and Detective sgt. Kennedy. These Detectives accuse plaintiff of following a woman, and there was know woman in front or behind Plaintiff. From this staged allegations by these detectives, Plaintiff was dragged down Union street, (between Prpspect Park West and Plaza street), and then illegally detained against his will, in front of a woman, and then Plaintiff asked this woman, "did he do anything to you?", and this woman reply "no", with a nod of head, an illustration of her response.

These detectives then order Plaintiff to shut up, and then shoved Plaintiff against a car. Then these same said detective Sanchez, spoke to this woman in another language, and then Plaintiff became frustrated and inquired about "what was going on"? The detectives only response was for Plaintiff to shut up. These detectives then turned Plaintiff around, and proceeded to handcuff Plaintiff with other law enforcement, that suddenly appeared out of no-where; and then aggressively grabbed Plaintiff by his neck arms; and threw Plaintiff in the back of police truck, and then taken to the 71st precinct in Brooklyn.

Upon the arrival at the 71st precinct, Plaintiff was placed in a holding cell without knowing what these detectives put me in there for. Plaintiff began to get real sick, because Plaintiff was never allowed to take his seizures medication, (in which Plaintiff took every morning, because of a mild seizure disorder), As a result of not taken this medication, Plaintiff paased out, and then plaintiff woke up traumatized, dizzy; and he was spitting saliva all over the place.

CONT...SECOND AMENDED COMPLAINT

E.M.S. Workers and several detectives, Sanchez, Mulhall, and Sgt. Kennedy were standing over Plaintiff hassling him with questions about crimes that--plaintiff knew nothing about. The E.M.S. workers demanded that Plaintiff be taken to the hospital, due to the seizures, that the Plaintiff was having; but the detectives Sanchez, Mullhall, and Sgt. Kennedy said to the E.M.S. workers, "that if we allow you to take our--suspect to the hospital, the process would take all day, and we are going to conduct several line ups first,"

Following this extra ordinary events these detectives dragged Plaintiff into an interrogation room, where there was people in this room with numbers on their chest. Unable to physical struggle with these detectives, Plaintiff had to comply without an attorney present. After ~~the~~ line ups had taken place, these media broadcasting detectives narrated false allegation, where the local news channels and newspapers announced that they had a suspect for the series of rapes in the Park Slope and Boerumhill communities. The same said detectives then dragged Plaintiff out of the 71st precinct in front of numerous cameras and labeled plaintiff as the ParkSlope and Boerumhill rapist..

Subsequent to Plaintiff arrest, the crimes that he was accused of continued to take place in the same communities, SEE: APPENDIX, (1) THE NEW YORK TIMES & DAILY NEWS ARTICLES ATTACHED TO THIS SECOND AMENDED COMPLAINT... Instead of the Brooklyn District Attorney's Defendant A.D.A. Nanci Slater and Defendant Charles Hynes investigating the matter of the detectives arrested the wrong man, and illegitimately indicting the wrong man, they just went on proceed with seven unduly suggestive illegal line ups was done with plaintiff, and did not allow the Brooklyn's Grand jury to know that the complainant witness Shirley Caryl vaguely and coercively picked plaintiff out of line ups, almost two month prior to Plaintiff's arrest, after picking someone else out; who had a very different physical and facial description that of the Plaintiff description...

CONT'..SECOND AMENDED COMPLAINT

Plaintiff was arraigned at Brooklyn Supreme Court before and indicted before Judge Anne G. Feldman, who just happened to live in the same community these crimes that had allegedly occurred. Instead of this Judge investigating the lack of evidence, and that probed below the surface of evidence, that the assistant district attorney Nanci Slater possessed, this judge just allowed the district attorney office taint evidence and charge Plaintiff for additional un-charged crimes.

On the 25th day of 1996 Plaintiff, was transported against his will, to Kings County Hospital Prison Ward. plaintiff arrived chained up, shackled and handcuffed by correctional officers Hodge, and Steward, and by orders of the arresting detectives Sanchez and Mulhall, a needle was stuck in Plaintiff's by arresting Sanchez, and blood was drawn, after this same arresting Sanchez stuck Plaintiff in the right arm ~~nine times~~, a needle was broke off in Plaintiff right arm, SEE: APPENDIX(2) HOSPITAL X-RAYS ATTACHED TO ORIGINAL 42 U.S.C. 1983, BACK IN 1996...

This blood was illegal withdrawn in order to indict Plaintiff for an un-charged crime of complainant witness Sonya Allin, who did not pick Plaintiff out of those seven line ups. This indictment against Sonya Allin, was consolidated to the original indictment of the complainant witness Shirley Carel, who was the only one who vaguely picked Plaintiff out of those seven line ups. The consolidation of these indictments strengthened the prosecution's theory of the so-called alleged M.O., and this was accomplished to convince a petit jury that an identical man had committed these crimes in these communities. Nevertheless, the prosecutor Nanci Slater rest their case entirely on circumstantial hearsay evidence.....

NOTE: THAT PLAINTIFF WAS PLACE IN ONE OF THOSE LINE UPS, AND THAT SEXUAL ASSAULT WAS COMMITTED WHILE PLAINTIFF WAS IN PRISON.

CONT...SECOND AMENDED COMPLAINT

Being that you mentioned in your MEMORANDUM & ORDER ON PAGES 8 & FOOTNOTE 7, about the charges in the New York County's Indictment No. #3456/02, and how Plaintiff filed multiple motions challenging that wrongful conviction as well. So this United States District Court Judge acknowledges the nightmare of the injustices did not stop after Plaintiff was wrongfully convicted in 1997 in the Kings County Supreme Court, and was given a death sentences of a hundred years to life;

Now seven in a half years later, while Plaintiff was striving to vindicate himself from that wrongful conviction in the the Kings County Court, the Plaintiff was produced from upstate corrections and taken to the New York County Supreme Court on July 1, 2002; and illegally indicted on more crimes that Plaintiff knew nothing about. It just so happen that the New York County district attorney's office and the N.Y.P.D. did a backlog, and went on a fishing expedition in order to solve old unsolved crimes, and alleged that Plaintiff's D.N.A. conviction offender databank produced a cold hit to an alleged anal swab, (out of some sexual evidence kit, that was already opened by the F.B.I. lab and tested, and it was missing the vaginal swabs).

Ironically, a confirmatory swab was forced upon Plaintiff after he was already indicted. This event must still raise a question on why was Plaintiff forced to provide another D.N.A., if there was already an indictment on a D.N.A. profile and claimed that they had a cold hit...

CONT...SECOND AMENDED COMPLAINT

Whereas, the New York County Indictment No.#3456/02, and it's wrongful conviction was indeed a fishing expedition from the Kings County's wrongful conviction; and Plaintiff's wrongful conviction in New York County, was also done in Plaintiff's absence...

Also Whereas, the District Court really needs to thoroughly review the civil rights violations as well as the U.S. Amends. violation, SEE: Harrison, V. Walsh, 2007 WL 28448667 & Harrison, V. Walsh, 2022 WL 49515445, and finally whereas, Plaintiff has attached this Second Amended Complaint, A APPENDIX (3) & (4), as exhibits and as proof of evidence, that Plaintiff had discovered, (WHICH WAS THE ORIGINAL CONFIRMATORY DNA PROFILING PAPERS AS WELL AS TEST RESULTS OF PLAINTIFF'S ORAL SAMPLES THAT WAS ACTUALLY MISHANDLED, AND PURPOSELY COMBINED AND MIXED WITH SOMEONE'S ELSE ORAL SWABS).....

III. INJURIES:

Plaintiff has suffered irreparable injuries prior to Kings County wrongful convictions and after Kings County's wrongful convictions, by the same deffendants that Plaintiff was actual suing prior to Kings County wrongful convictions, and after Kings County's wrongful convictions as well.....

The pass prior and ongoing irreparable injuries consist of: (1). SEVERAL WRONGFUL CONVICTIONS, (2). A EXCESSIVE DEATH SENTENCE OF A TOTAL OF 275 YEARS TO LIFE, (3). PIECES OF A SYRINGE NEEDLE THAT DISSOLVED IN PLAINTIFF'S RIGHT ARM...

(6).

CONT...SECOND AMENDED COMPLAINT

IV. EXHAUSTION OF STATE REMEDIES:

Subsequently state court proceedings consist of: Just SEE: People V. 68 N.Y.S.2d 38 (N.Y. App. Div. 1998), People V. Harrison, 710 N.E.2d 1100, (N.Y. Ct. Of Appeals 1999), People V, Harrison, 775 N.Y.S.2d 876 (N.Y. Div. 2004), People V. Harrison, 816 N.E.2d 574, (IN.Y. Ct. Of Appeals), (denying Writ Of Error Coram Noibiks). People V, Harrison, 2009 WL 2029566t2 at \* 1 (N.Y. Sup. Ct. April 21, 2009), (describikng Plaintiff's multiple motions to vacate the judgement of the these wrongful convictions, pursuant to C.P.L. 440.10, and also, challenging the excessive sentences, pursuant to: C.P.L. 440.,20). Harrison V. Senkowski, No.# 00-CV-6830, (JBW)O, (E,D.N.Y.)247F.R.D.402,404).

v. relief:

Wherefore, Plaintiff still request a thorough investikgation in these wrongful convictions, and in these excessive death sentences of 275 year to life. Plaintiff also, request injunctive relief in these ongoing irreparable injucies that Plaintiff is constantly suffering now...

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

SIGNED 23 DAY OF JUNE, 2024

Signature of Plaintiff

Inmate Number

9741255  
GREEN HAVEN CORRECTIONAL FACILITY  
P.O. BOX 4000  
STORMVILLE, N.Y. 12582-4000

# APPENDIX 1



# APPENDIX 2

REQUEST FOR X-RAY

X-RAY #	EXAMINATION
EXAMINATION REQUESTED	<input type="checkbox"/> GI Series
	<input type="checkbox"/> Barium Enema
	<input type="checkbox"/> I.V. Pyelogram
	<input type="checkbox"/> Chest Routine
	<input type="checkbox"/> Abdomen
	<input type="checkbox"/> Skull

**C95**

FACILITY **HARRISON, TENN** HOUSING AREA

NAME **1419520435.**

I.D.# **5424153-0**

D.O.B. **DOB 6-14-69**

HISTORY AND CLINICAL INFORMATION

**PT CLAIMS:-**  
**"FOREIGN BODY -**  
**BE PHLEBOTOMY NEEDLE**  
**IN (R) ARM"**

HISTORY OF ALLERGIES **R/O FOREIGN BODY**

Ordered By **TEGORE** Request Date **3/18/96**

Approved By \_\_\_\_\_ M.D. Date Approved \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Previous X-Ray ☐ Yes ☒ No

Females: ☐ Pregnant ☐ Yes ☒ No If Yes: Date of last period \_\_\_\_\_

**FILM USED**

14x17	14x14	11x14	10x12	8x10	Signed: _____
					Date _____

DO NOT WRITE BELOW THIS LINE - FOR RADIOLOGY USE ONLY

REPORT

**FIS**  
 needle marks  
 the soft tissue of distal  
 radius

**X  
R  
A  
Y  
  
R  
E  
P  
O  
R  
T**

**3-00-66**

**3/18/96**

Date

Radiologist M.D.

# APPENDIX 3

March 13, 2003

FB02-S434

oral swabs taken from Tony Harrison

Results from C03-McC011 and C03-ROS013, indicate a mixture present on the oral swabs taken from Tony Harrison. P03-McC020 and P03-MEN008 confirmed the mixture in this sample extracted 1/13/03 at 2:35pm. The conclusion drawn from this reanalysis indicates that the mixture occurred prior to amplification.

The sample was retested, extracted twice: 2/7/03 at 2:00 and 3/7/03 at 2:05. C03-ROS031 and P03-ROS014 results from the retest indicate a profile from a single individual. This profile matches the sperm fraction from the anal swab of case CD01-1817. The DNA profile obtained during retesting matches the major contributor from the mixture obtained from the sample extracted 1/13/03 at 2:35pm. No conclusion can be made concerning the source of the minor contributor obtained from the mixture.

FB02-S434 ETB

60



helex, 5% 43.120

Sterile Water 1090.30

\*Profiler ONLY\*

tube label	case number - sample description	target	IA
neg	extraction negative	-	-
S072 JV	FB03-S072 (S) J. Vaello (PR dup)	4/22/03	SLH
SSDA	FB03-S055 (S) D. A (dup)	4/8/03	KR
54 NG	FB03-S054 (S) N.G. (dup)	4/8/03	MRP
S434 IA	FB02-S434 oral swab IA, (S) TH (dup)	2/28/03	ETB
S434 IB	FB02-S434 oral swab IB, (S) TH (dup)	2/28/03	ETB
SEQ2 3 Dup	AABB/CAP 2003 SEQ2 3-FIRSTMAN (dup)	3/19/03	ES
S048 CR	FB03-S048 (S) C. Ramos	4/6/03	JLS

Performed by E. Sima

Time 2:05

Date 3/7/03

tube set-up witness !!!

original in Chelex extraction - exemplars binder

samples in cryobox E179

G:\users\fbiology\forms\dna\casework\pcr\cheopro.wpd

FB02-S434 ETB

48

Chelex, 5% 43.106

Sterile Water 128.18  
128.15

\*Cofiler ONLY\*

tube label	case number - sample description	target	IA
neg	extraction negative	-	-
IQAS 2301 #105 (V)	IQAS 2301 #105 2313 (V)	3/26/03	SA/TMG
IQAS 2301 #105 (S)1	IQAS 2301 #105 2314 (S)1	"	"
IQAS 2301 #105 (S)2	IQAS 2301 #105 2315 (S)2	"	"
S032 BH	FB03-S032 (S) Brian Hill	3/24/03	CMK
S033 EA	FB03-S033 (S) E. Aguilar	3/24/03	CMK
S036 JB	FB3-S036 (S) Jasper Bellamy	3/24/03	EJM
2578	FB02-2578 (V) unk. black male	3/6/03	HS
28 TE	FB03-0028 (V) T.E.	3/7/02	TD
0095 WZ.W	FB03-0095 (V) Z.W	3/16/03	MRS
S434 TH	FB02-S434 (S) Tony Harrison	2/28/03	MC
118 recut	FB03-0118 (V) SH recut	3/20/03	PLM
154 TN	FB03-0154 (V) Talibah Nowell	3/25/03	TD
155 JD	FB03-0155 (V) Julie Donovan	3/25/03	RDC
0152 (V) KZ	FB03-0152 (V) V. Zachowski	3/24/03	Real
88(S) CG	FB02-S388(S) Chris Grogan	11/20/03	RDC

Performed by TMG

Time 2:00

Date 2/7/03

tube set-up witness [Signature]

original in Chelex extraction - exemplars binder

samples in cryobox E176-177

G:\users\fbiology\forms\dnal\casework\pcr\checo.wpd

FB02-S434 ETM



Chelex, 5% 43.3  
43.7

Sterile Water 127.140  
127.145

\*Cofiler ONLY\*

tube label	case number - sample description	target	IA
neg	extraction negative	-	-
4GR	FB03-0004 (V) GR	3/3/03	URC
6CT	FB02-2616 (V)	3/3/03	URC
<del>S433</del> Oral swab	FB02-S433 Oral swabs from (S) JG	2/24/03	MC
<del>S434</del> Oral swab	FB02-S434 Oral swabs from (S) TH	2/28/03	MC
S435 Cotton swab	FB02-S435 Cotton swab from (S) CH	3/2/03	KLH
2388 JM	FB02-2388 (V) JM	2/21/03	TD
IEV	CT503-571 U5078 victim	2/24/03	LAF
IES	CT503-571 U5078 suspect	↓	↓
31MT	FB00-2431 [REDACTED]	3/03/03	URC
S440 swab from soda bottle	FB02-S440 swab from soda bottle used by AJ	3/8/03	AT
S005 Oral swab	FB03-S005 oral swab from [REDACTED]	↓	↓
S003 Oral swab	FB03-S003 Oral swab from [REDACTED]	3/5/03	MWL
S002 Oral swab	FB03-S002 Oral swab from [REDACTED]	↓	↓
S001 Oral swab	FB03-S001 Oral swab from [REDACTED]	↓	↓
S437 lig. butt #1A	FB02-S437 lig. butt #1A from (S) HM	3/2/03	ASK

Performed by TS

Time 235pm

Date 01/13/03

tube set-up witness JS

original in Chelex extraction - exemplars binder

samples in cryobox E173

G:\users\fbiology\forms\dna\casework\pcr\checo.wpd

FB02-S434 ETB

2



377 STR GEL WORKSHEET - EXEMPLAR Cofiler (7/26/01)

Gel (Project) Name C03-RDS 013

Run folder date and time 1/23/03 4:03 PM

TBE Premix HD3226 Urea

Long Ranger APS 20.14

TEMED DL5711 Blue Formamide 26.7

GS 500 Marker 36015707138 Allelic ladder 430525008016

#	case number - sample description	IA	#	case number - sample description	IA
1	allelic ladder	(AL)	12	FB03-0002 (V) NH	(NH) LHS
2	positive control	(PG)			
	extraction negative	1/23/03			
3	amplification negative	1/17/03 11:45 (A)			
5	FB02-S434 ORAL SWABS from (S) J4 (434)	MC			
6	IQAS #184 SUSPECT 1 (SPI)	LP			
7	IQAS 2301 #162 (V) 2313 high (162VH)	III			
8	FB02-2585 (V) LH	LAD			
9	CT303-571 US 079 SUSPECT (715)	DHC			
10	IQAS 2301 #220 (V) 2313 (220V)	MSR			
11	CT503-571 (S) Hem 2 (52)	LAD	13	allelic ladder	(AL2)

amplified samples of date: MISC time: MISC

scan range analyzed: 1700-5200 gel prep: JW

aliquot set-up checked by gwl

gel load set-up checked by gwl

comments: ☒ rerun normal from C03-MC011  
☐ rerun with 8ul from C03-WNR011  
☐ rerun with normal from CE1/03-0036  
☒ rerun with 8ul from C03-WNR012  
☒ rerun with 8ul from C03-RDS011  
☐ rerun with 8ul from CE1/03-0036  
☒ PE from C03-MC0116

Performed by X2 Date 1/23/03

original in cofiler - gel sheets binder (G:\users\biology\forms\dna\casework\pct\gal\excof.wpd)



# APPENDIX 4



**NYC**  
Office of Chief  
Medical Examiner

Mimi C. Mairs, Special Counsel, Forensic Biology  
Legal Department  
421 East 26<sup>th</sup> Street, New York, NY 10016  
Telephone: 212.323.1900 Fax: 212.323.1920  
Official Website: [www.nyc.gov/ocme](http://www.nyc.gov/ocme)

March 19, 2015

Tony Harrison, Inmate #: 97A1299  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, NY 10562

Dear Mr. Harrison,

This is in response to your letter in which you request information, pursuant to Freedom of Information Law ("FOIL") pertaining to the following:

- 1) All and in its proper order of the Oral Swabs tested under the lab number FB02-S434.
- 2) Chelex extraction worksheet-exemplars
- 3) Quatniblot worksheet
- 4) Str Gel worksheet-exemplars
- 5) Profiler plus amplification worksheet-exemplars
- 6) Profiler applications worksheet-exemplars

Enclosed please find the entire forensic biology case file associated with laboratory number FB02-S434 prepared by the OCME Department of Forensic Biology. Please be advised Civil Rights Law §50-b (1) prohibits disclosure by a government employee of any portion of a police report or other document which tends to identify the victim of a sex crime. That you may already know the name of the victim in this case does not provide this Office with a basis to disclose her name. Therefore, portions of the enclosed FB02-S434 case file have been redacted to protect the identity of the victim.

Other portions of the enclosed documents have also been redacted pursuant to §87(2) (b) of the Freedom of Information Law, wherein disclosure would constitute an unwarranted invasion of personal privacy.

Sincerely,

Mimi C. Mairs, Esq.  
Records Access Officer



377 STR GEL WORKSHEET - EXEMPLAR

**Cofilet (7/26/01)**

Gel (Project) Name: C03-R05 013

Run folder: date and time 1/23/03 4:03 PM

Urea	Premix	HD 3226

Long Banner: APS 20.14

015711 Blue Formamide 26.7

## GIS 500 Marker

Allelic | address: 430525008016.

#	case number - sample description	IA	#	case number - sample description	IA
1	allelic ladder	(ALI)	-	FB03-0002 (V) NH	(NH)
2	positive control	(PG)	-		
	extraction negative	12/23/03			
3	amplification negative	1/17/03 11:15 (A)	-		
5	FB02-54314 DNA SUSPECT (434) ETB 21FEB03	MC			
6	IQMS #184 SUSPECT 1 (SPI)	LP			
7	IQMS 2301 #162 (V) 2313 high (162VH)	III			
8	FB02-2585 (V) LH	LAD			
9	CT303-571 U5078C SUSPECT (715)	DNC			
10	IQMS 2301 #220(V) 2313 (220V)	MSR			
11	CT503-571 (S) Item 2 (S2)	LAD	13	allelic ladder	(AL2)

amplified samples of date: MISC time: MISC

scan range analyzed: 1

I: 1700-5200 gel prep IW

aliquot set-up checked by gwl

gel load set-up checked by gjh

Performed by K12

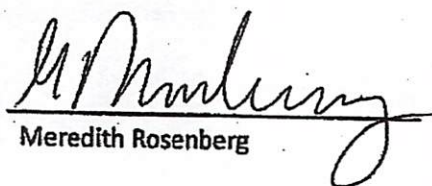
Date 1/23/03

comments:  $\Delta$  rerun normal from CO3-McColl  
 $\Delta$  rerun with Bul from CO3-Ward 11  
 $\square$  rerun with normal from CE1/03-003C0  
 $\approx$  rerun with Bul from CO3-Ward 12  
 $\odot$  rerun with Bul from CO3-Ros 11  
 $\bigcirc$  rerun with Bul from CE1/03-003C0  
 $\mathbb{D}$  PE from CO3-McColl 6

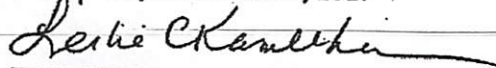


- are not clean, or for some other reason, it is possible that some low-level contamination of the swab may occur.
7. Defendant highlights page 2 of the Forensic Biology case file for FB02-S434, dated 1/13/03, that shows a sample from an unrelated case: Tube label "S433 oral swab", from case FB02-S433 "oral swabs from suspect JG". This sample is immediately above the column that shows the sample for this case: Tube label "S434 oral swab, FB02-S434 oral swabs from (s) TH."
  8. In this case, two swabs of defendant's DNA were taken pursuant to court order. While initial testing of the first swab indicated a mixture of DNA, that swab was re-cut and re-tested, and the second swab was also tested. Both of these swabs matched each other, but did NOT match the unrelated sample tube labeled "S433 oral swab" from case "FB02-S433 oral swabs from (s) JG."
  9. Notwithstanding page 12 of the Forensic Biology case file for FB02-S434, on which the analyst, Eric T. Bieschke corrected a clerical error in which the initials JG were associated with the sample for FB02-S434, Mr. Bieschke corrected that by striking out the incorrect initials and replacing them with defendant's initials, TH. Mr. Bieschke acknowledged the correction by initialing and dating the correction on page 12, as is the protocol at OCME. The fact that this was a clerical error is exemplified by the fact that the tube label clearly indicated on page 12 for case sample "FB02-S434" is "434" and the profile developed for that sample is the same as was previously determined for that sample from previous testing.
  10. Finally, an additional step was taken in this case to ensure the integrity of the kit itself. After defendant was identified, a new swab was taken from the victim in this case, and tested and compared, as noted in FB02-1623. The victim's DNA profile matched the female portion of the rape kit sample, while both defendant's convicted offender sample and the new swabs taken from him pursuant to court order matched the male DNA from the rape kit.
  11. All of the relevant results are displayed in the DNA chart attached to these papers.

Dated: November 9, 2017

  
Meredith Rosenberg

Sworn to before me  
This 9<sup>th</sup> day of November, 2017

  
Notary Public

**LESLIE C. KAMELHAR**  
Notary Public, State of New York  
No. 02KA4745539  
Qualified In New York County  
Commission Expires Feb. 28, 2018

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 5/23/2024 at 12:47 PM EDT and filed on 5/23/2024

Case Name: Harrison v. NYC Dept of Correcti, et al

Case Number: 1:96-cv-01465-PKC-JLC

Filer:

Document Number: No document attached

Docket Text:

ORDER: The Court grants Plaintiff's [45] extension request. Plaintiff is directed to file a second amended complaint by 6/27/2024. Plaintiff is warned that no further extensions will be granted. If Plaintiff fails to file his second amended complaint by the new deadline, the Court will dismiss this action with prejudice for failure to prosecute. Ordered by Judge Pamela K. Chen on 5/23/2024. (HMM)

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
JUN 27 2024  
BROOKLYN OFFICE  
JUN 28 24 PM 50  
SP → 6/28/24

SUPREME COURT OF THE STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

AFFIDAVIT

IND. 3456/02

-against-

TONY HARRISON,

Defendant

I, MEREDITH ROSENBERG, Assistant Director of the Forensic Biology Laboratory of the Office of Chief Medical Examiner (OCME), affirm the following statements to be true under penalty of perjury:

1. I am submitting this affidavit at the request of Assistant District Attorney Melissa Mourges of the New York County District Attorney's Office, in connection with defendant's post-conviction motion dated August 28, 2017.
2. The statements in this affidavit are based on my personal knowledge, on my examination of the forensic files in the case of FB-02-1623, CD01-1817, and FB02-S434, as well as my education and experience in the field of forensic biology.
3. I have the following educational and professional experience: I have a Master of Arts in Biology and a Bachelor of Science in Biology. I have been employed by the Department of Forensic Biology of the Office of Chief Medical Examiner for 19 years. In that time I have been a Quality Control Consultant, a Criminalist II, a Criminalist III, a Criminalist IV and an Assistant Director of casework. I am currently the Assistant Director in charge of Quality Assurance/ Quality Control for the Department of Forensic Biology.
4. I have been informed that the defendant's motion indicates he has concluded that his court-ordered DNA sample was mixed up with another individual's DNA sample. This is untrue; no mix-up has occurred, as demonstrated by an examination of the forensic biology files.
5. The profile from defendant's court-ordered DNA swab matches the male DNA from the victim's rape kit, as noted in the forensic files for case CD01-1817 and FB02-S434. This profile is also the same as defendant's CODIS convicted offender sample, as noted in the certified copy of defendant's convicted offender profile, prepared by the New York State Police Forensic Investigation Center and dated June 6, 2002.
6. Defendant exemplar buccal swabs are obtained in the following manner: a law enforcement official takes a clean swab and hands it to defendant, who is instructed to insert the swab into his own mouth and rub it against the inside of his cheek. The swab is then placed in an envelope, vouchered and sent to the OCME laboratory for testing. If the defendant's hands

Ex. 1



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CHAMBERS OF:  
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UNITED STATES DISTRICT JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
225 CADMAN PLAZA EAST  
BROOKLYN, N.Y. 11201



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